



Appeal Decision

Site visit made on 29 October 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2024

Appeal Ref: APP/X1735/W/23/3335266

Northney Farm, St Peters Road, Hayling Island, Hampshire PO11 0RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr James Pike against the decision of Havant Borough Council.
 - The application Ref is APP/23/00102.
 - The development proposed is use of barn as mixed use tea room and education/exhibition space, change of use of Agricultural Land to extend existing car park, amendment to existing seating arrangements with increase in covers from 80 to 100.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the Council's decision notice, on the basis that it accurately and clearly describes the proposed development and I have assessed the appeal on that basis.
3. At the time of my site visit, I saw that the development had commenced, and I have dealt with the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, and
 - the living conditions of neighbouring occupiers with regard to noise and disturbance.

Reasons

Character and appearance

5. The appeal site contains a large, timber barn which has a traditional appearance which has also been extended with a glazed link. The barn is being used as a tearoom and mostly contains seating for customers of the tearoom with some external seating also being provided to the front of the entrance to the building. There is also a large car parking area for customers a short walk from the building.

6. The tearoom overlooks an open field currently being used for grazing with the wider area being predominantly open fields with ribbons of residential dwellings. There is a farm holding next to the appeal site, which combined with the open fields results in an open and rural character and appearance. The open fields between the ribbons of dwellings also allow for long range views and results in a peaceful and tranquil character and appearance.
7. The tearoom currently has planning permission that allows for 48 covers inside the building and 32 covers outside and the appeal proposal seeks to increase the number of covers to a total of 100. All of the covers could be accommodated inside, outside or a combination of both and as such, the proposal would intensify the use if all customers are located in the same area.
8. In order to meet the increased number of covers the appeal proposes a new outdoor seating area to the north of the barn. This area is currently an open parcel of land which provides a gap between the barn and car parking area. This open gap is particularly important as it allows views towards Chichester Harbour which are noted within the Council's Northney & Tye Village Design Statement which states that from Northney Farm St Peter's Road has a short stretch with open fields on both sides giving clear views east and west before entering the main part of the village.
9. The proposed seating area would allow customers to use this area and would fill in the open gap that is a positive feature of the character and appearance of the area. As well as the seating itself, the use of this area could also result in further paraphernalia to be installed such as umbrellas, lighting and temporary structures which would further harm the character and appearance of the area.
10. I acknowledge the working farm next to the appeal site and the associated noise from this. However, based on the information before me the noise associated with the farm appears to be routine and regular and would also not be unexpected in a rural area. The tearoom however, would result in more random comings and goings and a potential variety of evening events which would be unusual in a rural setting and would harm the peaceful and tranquil character of the area.
11. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. It would be contrary to Policies CS11 and CS16 of the Havant Borough Core Strategy March 2011 Local Development Framework (CS) and Paragraphs 88 and 89 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that the key landscape and built form principles set out in the Havant Borough Townscape, Landscape and Seascape Character Assessment are protected and where possible enhanced, identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site and is sensitive to its surroundings.

Living conditions

12. The appellant has submitted a noise impact assessment with the planning application which found that with 100 customers outside, with 74 of the customers using the area to the north of the barn that noise levels would be 5 decibels above background levels which would result in an adverse impact to the occupiers of neighbouring dwellings. The report considers that noise levels would be reduced when neighbouring occupiers are seated inside their properties to a level that is considered low impact.
13. The report provides no assessment of 100 customers being located inside the barn nor after the hours of 5pm. The tearoom is able to be used up until 11pm three days per week and therefore at these later times, when background noise is likely to be lower, 100 customers would likely have an adverse effect on the occupiers of neighbouring properties with regard to noise and disturbance.
14. The barn is also historic and made from traditional materials and is therefore unlikely to have any noise insulation. The barn extends into the neighbouring garden of Meadowsweet and part is being used as a store for the occupiers of this property. The wall separating the tearoom and this store is unlikely to provide enough noise mitigation for 100 customers using this space to not result in adverse impact for the occupiers of Meadowsweet.
15. It is also noted that the toilet facilities are located within a separate building, which means that customers would need to leave the inside space to use them. The associated movements to and from the toilets would be worsened as a result of the proposed development and would increase noise and disturbance for neighbouring occupiers. This would be particularly harmful during the later opening hours, even though I note the appellant suggests this has only been used for a small number of occasions.
16. I therefore conclude that the proposed development would unacceptably harm the living conditions of neighbouring occupiers with regard to noise and disturbance. It would be contrary to Policies DM10 and CS16 of the CS and Paragraph 191 of the Framework. Amongst other things, these seek to ensure that the health and safety of existing and future users of the site, or nearby occupiers and residents is not put at risk, does not cause unacceptable harm to the amenity of neighbours through noise and mitigate and reduce to a minimum potential adverse impacts resulting from noise.

Other Matters

17. The appellant has put forward a fallback position in the form using permitted development rights to provide a moveable structure within the curtilage of the building. I accept that the fallback position is available.
18. However, the area to the north of the tearoom this is not an area that is able to be used for seating through the existing planning permission. Therefore, while a moveable structure could be placed in this area there would be no opportunity to use this area for seating in connection with the tearoom and as such I do not accept that there is a greater than theoretical possibility that the fallback would be implemented should the appeal scheme be dismissed.

19. I note that the tearoom is used as an education and exhibition venue, and that the farm hosts visits from schools and events including meetings and wakes. However, these benefits do not outweigh the harm I have identified.
20. The appellant suggests that the additional seating is required in order to support the viability of the business. I acknowledge that the additional seating would allow more customers, however there is very limited evidence before me to suggest that the business would be unviable without this additional seating.
21. The Highway Authority have not objected to the principle of additional car parking and the Council have also not raised any concern in relation to highway safety, however, this is a neutral matter.

Conclusion

22. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR